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FM AMEMBASSY MASERU

TO RUEHC/SECSTATE WASHDC 3040

INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

RUEHMR/AMEMBASSY MASERU 3412

UNCLAS MASERU 000339

SIPDIS

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DEPT ALSO FOR AF/S

E.O. 12958: N/A

TAGS: KDEM PREL PGOV LT

SUBJECT: LESOTHO: RADIO STATION WINS CASE AGAINST GOVERNMENT

REF: MASERU 258 AND PREVIOUS

**¶1.** SUMMARY: Harvest FM, a popular local private anti-government radio station, won a last minute court case against the GOL on Saturday, June 9. The outcome of the case overturned a Ministry of Tourism decision to deny the station the right to rent the National Convention Center to celebrate its four-year anniversary. The tense situation which evolved on Saturday with Harvest FM supporters massing both at the Convention Center and at the High Court was peaceably resolved following the decision, but the strained relationship between the GOL and some of the more strident voices in Lesotho's private media will likely continue. However, the swift and independent ruling by the High Court is a victory for the rule of law in the Mountain Kingdom.  
END SUMMARY.

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Whose Convention Center is it Anyway?  
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**¶2.** On Saturday, June 9, a conflict over rental of the National Convention Center between Lesotho's Ministry of Tourism and popular local anti-government radio station Harvest FM reached Lesotho's high court. Harvest FM presenters reported that they follow all procedures to rent the auditorium for the station's fourth anniversary celebration and paid the required deposit. Midday on Saturday, Harvest FM management learned that the Ministry of Tourism, the government ministry with authority over the National Convention Center, had decided not to allow the radio station to use the facility.

**¶3.** Following the GOL decision, Harvest FM supporters massed at both the National Convention Center and at the High Court, and callers to local radio discussion programs began to harshly criticize the Ministry of Tourism decision. Representatives of Harvest FM quickly filed a legal case, which was reviewed almost immediately. The court ruled in favor of Harvest FM at 8:00 pm, and the evening anniversary celebration went ahead as planned.

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Harvesting Judicial Independence?  
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¶4. Since Lesotho's February 2007 National Assembly Elections, Harvest FM has increasingly solidified its position as the voice of the nation's political opposition and the GOL's most strident critic. However, this position has come with a price. After the elections, during which the station's presenters and callers harshly criticized the electoral process and the governing party, Harvest FM was taken off the air under mysterious circumstances only to reappear after twenty-four hours. One of its most popular presenters, Pastor Adam Lekhoaba, was deported to South Africa after being declared an illegal alien. (NOTE: Lekhoaba's case is under the court's consideration currently. END NOTE.)

¶5. COMMENT: The Ministry of Tourism's attempt to deny the radio station access to the National Convention Center will likely only make the station more popular with its politically-oriented listeners. However, the court's swift decision in favor of the station does strike an increasingly positive chord to the tune of judicial independence in the Mountain Kingdom. Although the political parties and the legislature are finding it difficult to achieve harmony and effective governance, the judiciary shows a growing adherence to and promulgation of the rule of law. END COMMENT.

MURPHY